

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	No. 3:14-cr-0032-3
v.)	Magistrate Judge Brown
)	
JAMES TALBOT McCULLOUGH,)	
)	
Defendant)	

O R D E R

The United States Marshals Service has called to the Court's attention a memorandum from the United States Marshals' General Counsel that Title 18 U.S.C. § 4285 does not authorize the Marshals subsistence expenses and return transportation for an indigent defendant released on bond. A copy of the memorandum is **attached** to this order. In this case, the Magistrate Judge had previously, without objections of any party, directed the Marshals Service to return the Defendant to and from California for necessary proceedings in this litigation. The Marshals Service advise that they have made arrangements to transport the Defendant back to California at the present time.

The Magistrate Judge's previous order is modified to provide that further transportation and subsistence shall be made by motion of the Defendant. The United States should be prepared to respond to such motion, and if the United States disputes that there is authorization for the Marshals Service to pay the money, they should advise the Court what alternative proceedings are available.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge